

Message

**From:** Fontaine, Tim [Fontaine.Tim@epa.gov]  
**Sent:** 6/8/2018 4:32:18 PM  
**To:** Forsgren, Lee [Forsgren.Lee@epa.gov]  
**CC:** Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Spraul, Greg [Spraul.Greg@epa.gov]; Woods, Terry [Woods.Terry@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]  
**Subject:** FW: Calvert 028-032  
**Attachments:** CAL-028-032.docx

Lee,

Just a heads up that OMB has requested that EPA get USACE concurrence on the Calver questions from the HAC hearing. These are the Alaska related questions that you helped with. OWOW will reach out at the staff level, but these might come back to you if they have to be resolved at a senior level.

Interesting that OMB does not want to adjudicate issues as part of the the cross-agency review.

Tim Fontaine  
EPA Office of Water  
(202) 564-0318

**From:** Woods, Terry  
**Sent:** Friday, June 08, 2018 11:29 AM  
**To:** Brown, Robert <Brown.Robert@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>  
**Cc:** Fontaine, Tim <Fontaine.Tim@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>  
**Subject:** FW: Calvert 028-032

Hi OWOW.....

Can you please coordinate EPA's response to the Calvert 028-032 questions with the Corps? Please let me know when you get their concurrence. Thank you!

For your convenience I have attached the version that Lee and OGC approved.

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**Terry Woods**  
Office of Water  
Resource Management Staff  
**202-564-0326**

**From:** Cuscino, Glen  
**Sent:** Friday, June 08, 2018 10:13 AM  
**To:** Woods, Terry <[Woods.Terry@epa.gov](mailto:Woods.Terry@epa.gov)>  
**Cc:** Giddings, Daniel <[giddings.daniel@epa.gov](mailto:giddings.daniel@epa.gov)>; Spraul, Greg <[Spraul.Greg@epa.gov](mailto:Spraul.Greg@epa.gov)>; Villanueva, Edna <[Villanueva.Edna@epa.gov](mailto:Villanueva.Edna@epa.gov)>; Drummond, Laura <[Drummond.Laura@epa.gov](mailto:Drummond.Laura@epa.gov)>  
**Subject:** FW: Calvert 028-032

Terry - -OMB is requesting you seek their concurrence

---

**From:** Grossman, Andrea L. EOP/OMB [Ex. 6 Personal Privacy (WH Email)]  
**Sent:** Friday, June 8, 2018 10:10 AM  
**To:** Cuscino, Glen <Cuscino.Glen@epa.gov>  
**Cc:** Hickey, Mike J. EOP/OMB [Ex. 6 Personal Privacy (WH Email)]  
**Subject:** RE: Calvert 028-032

OK thanks for checking. Please coordinate with the Corps directly and have then cc me when we get Corps sign-off on this QFR response.

Andrea Grossman  
Program Examiner, OMB Environment Branch  
202-395-4756

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**From:** Cuscino, Glen <Cuscino.Glen@epa.gov>  
**Sent:** Friday, June 8, 2018 10:03 AM  
**To:** Grossman, Andrea L. EOP/OMB [Ex. 6 Personal Privacy (WH Email)]  
**Subject:** FW: Calvert 028-032

Andrea— [Ex. 5 Deliberative Process (DP)]

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**From:** Woods, Terry  
**Sent:** Friday, June 8, 2018 9:56 AM  
**To:** Cuscino, Glen <Cuscino.Glen@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>  
**Cc:** Spraul, Greg <Spraul.Greg@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Villanueva, Edna <Villanueva.Edna@epa.gov>  
**Subject:** RE: Calvert 028-032

Hi Glen.....

[Ex. 5 Deliberative Process (DP)] s. Please let me know if you need anything else. Thank you!

„•‘`•„><(((‘°) ••‘`•„><(((‘°) ••‘`•„><(((‘°) ••‘`•„

Terry Woods  
Office of Water  
Resource Management Staff  
202-564-0326

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**From:** Cuscino, Glen  
**Sent:** Thursday, June 07, 2018 2:58 PM  
**To:** Drummond, Laura <Drummond.Laura@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>  
**Cc:** Spraul, Greg <Spraul.Greg@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>; Villanueva, Edna <Villanueva.Edna@epa.gov>  
**Subject:** FW: Calvert 028-032

Hello : [Ex. 5 Deliberative Process (DP)]

---

**From:** Grossman, Andrea L. EOP/OMB [Ex. 6 Personal Privacy (WH Email)]  
**Sent:** Thursday, June 7, 2018 2:55 PM  
**To:** Cuscino, Glen <Cuscino.Glen@epa.gov>

**Cc:** Hickey, Mike J. EOP/OMB { **Ex. 6 Personal Privacy (WH Email)** } Villanueva, Edna <[Villanueva.Edna@epa.gov](mailto:Villanueva.Edna@epa.gov)>

**Subject:** Calvert 028-032

Glen,

It looks like Edna is out, but maybe you can answer my question about these QFRs on Pebble Mine- do you know if these were shared with Army Corps? I sent it within OMB to the examiner who covers Army Corps since the responses discuss their regulations and processes, and she asked me to confirm whether Army Corps has seen/signed off on the draft responses.

Thanks,

Andrea Grossman  
Program Examiner, OMB Environment Branch  
202-395-4756



Governor Michael J. Dunleavy  
STATE OF ALASKA

March 1, 2019

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

Thank you for the opportunity to meet with you on February 28, 2019. I enjoyed our time together during your visit to Alaska. The generosity and attention you extended to our servicemen and servicewomen stationed in the Last Frontier is greatly appreciated – clearly, we share the same respect towards those who stand on the frontlines to keep our nation safe. I want to also reiterate that Alaska supports your vision for our great country and we look forward to working with you to make it a reality.

As such, I wanted to take the opportunity to share with you some matters that are of great importance to Alaskans. The following is a synopsis of issues facing Alaska that I believe by working together can advance our shared goals of economic growth and energy dominance:

**U.S. Department of the Interior**

- **Statehood Land Selections** – Alaska is ready to complete our statehood land selections. It's important for the Department of the Interior to lift the current secretarial orders that are preventing priority selections from attaching. One key example is Public Land Order 5150 - put in place for the Trans Alaska Pipeline System (TAPS). It is time for the state to own that right-of-way, then this land can finally generate economic development. Lifting that single Land Order will satisfy close to half of the land we were promised. The Land Orders were put in place without a land plan or environmental analysis, but now the Bureau of Land Management (BLM) is demanding both an updated plan and environmental review to lift each order. Alaska views BLM's demand as an example of a government agency creating unnecessary work that only stalls economic growth.
- **Arctic National Wildlife Refuge 1002 area lease sale** – U.S. Fish and Wildlife career employees undermined seismic work this winter, so the sale will occur without valuable data, likely lowering the bids. These same U.S. Fish and Wildlife employees are working to undermine the lease sale. ANWR has the potential to become the next Prudhoe Bay, and is a key element for your goal of America to achieve energy dominance.

- **National Petroleum Reserve – Alaska (NPR-A)** – Former President Obama took half of the NPR-A off the table for oil and gas development. This land needs to be put back into the leasing plan. A new land plan and environmental review needs to be done before that can be put up for lease.

**U.S. Army Corps of Engineers (U.S. Corps) / Environmental Protection Agency (EPA)**

- **Waters of the U.S. Rule (WOTUS)** – The U.S. Corps and EPA have a long history of misinterpreting the Clean Water Act to give themselves more and more power. The Clean Water Act applies to “waters of the United States” – not wetlands. Lands are not waters. In 2017, you issued a Presidential Executive Order directing the Corps and EPA to revisit WOTUS regulation, which defines federal jurisdiction under the Clean Water Act. Instead, what the Corps and EPA have proposed isn’t much different than before and doesn’t give much control back to Alaska – if any at all. When you’re flying over Alaska, you can see wetlands everywhere. In fact, Alaska has 174 million acres of wetlands – more than all states in the Lower 48 combined. I understand that people are concerned about the disappearing wetlands in the Lower 48; but, we don’t have that problem in Alaska. We are a young state, with tremendous undeveloped resource potential that could be of great benefit to our country’s energy security. However, this proposed federal regulation is something that has prevented Alaska’s economy from growing and prohibited natural resource development, which ultimately is a roadblock to America becoming energy dominant – something that is a priority of yours. Please urge your departments to not adopt a regulation that is counter to your vision for our great nation.
- **Clean Water Act 404 veto** – Natural resource development in Alaska is handicapped due to the EPA’s failure to officially announce that a preemptive Clean Water Act 404 veto is not going to be used anywhere in the state. The Pebble Mine Project is the poster child, but every potential investor must evaluate whether that preemptive veto could be used against their project; which results in a serious brake that chill potential resource development opportunities.
- **Clean Water Act 401 permits** – My team is available to assist the EPA in rewriting the handbook on Clean Water Act 401 Water Quality permits. By working together, we could create a federal policy that is of benefit to both the nation and Alaska.
- **Clean Air Act – Fairbanks air quality** – Fairbanks has some of the nation’s coldest weather and highest costs of energy, and people have been burning wood because it’s all they can afford. This is nothing new, as Fairbanks has been doing this for decades. But now, the EPA says we have an air quality problem due to woodsmoke. Keep in mind, Fairbanks has temperatures as cold as -50 below zero. Being able to heat your home isn’t a luxury – it’s a matter of survival. Fairbanks has been making great strides to reduce woodsmoke emissions, but EPA is telling us it’s not enough and that we need to implement costly and intrusive regulations. In concert with the measures already taken, a potential long-term plan is to get affordable natural gas to Fairbanks. We need the EPA to be patient and ask they also explore potential regulatory changes that consider Fairbanks’ Arctic climate and high energy costs.

### **Medicaid**

- **Medicaid Block Grants** – Your Medicaid Administrator, Seema Verma, has urged us to be the first state to receive Medicaid dollars as a block grant. We are eager to do this, but your support of her on this “first” will keep the proper focus and speed on the application.

### **U.S. Forest Service (USFS)**

- **Tongass National Forest / Roadless Rule** – The USFS is working hard to reverse a Clinton-era rule that virtually shut down logging in the Tongass Forest. New York State logs more timber commercially than Alaska. That rule-making must go perfectly to be completed timely and save what’s left of our timber industry. In January 2018, former Governor Walker petitioned the USDA for new rulemaking to completely exempt the Tongass from the 2001 Roadless Rule and to rescind the interlocking 2016 Tongass Transition Plan. USDA began the process in August 2018 and is now considering what the preferred alternative in the DEIS should be. Secretary Perdue should maintain the policy determination made by the USDA in 2003 by selecting total exemption as the preferred alternative in the DEIS. We look forward to you providing clarification to the Secretary of Agriculture on the roadless rule exemption for the Tongass EIS. This would be a significant victory for the timber industry in Southeast Alaska and their efforts to increase the annual timber harvest, which creates jobs and fosters economic opportunity.

### **U.S. Customs and Border Patrol (CBP)**

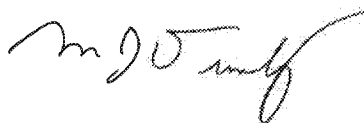
- **Tourism Opportunities** – Iceland continues to allow tourists to travel throughout their country for a few days without a visa, and business is booming. Anchorage Airport built a special terminal so that Asian tourists without visas could de-plane during fuel stops, shop at Duty Free, then re-board, or even get on a different flight headed to another foreign destination. These tourists could not leave the terminal. Business was booming. Then, after 9/11, CBP ended this program. It is time for CBP to allow the restart of this program. Anchorage lost all that business to the airport in Vancouver, Canada.

### **Fisheries Appointments**

- **U.S. Pacific Salmon Commission** – I have submitted the appointment request for Mr. Doug Vincent Lang, Commissioner of the Alaska Department of Fish and Game, as our selection for the Alaska seat on the U.S. Pacific Salmon Commission.
- **North Pacific Fishery Management Council** - Our nominations for the North Pacific Fishery Management Council have been forwarded to Secretary of Commerce Ross, and we look forward to his appointments soon.

Thank you again for taking time to visit our nation’s troops and for your voiced support of Alaska’s needs. I know many of the items listed will require mutual attention from the State of Alaska in concert with the federal government. Alaska stands ready to do our part to materialize the dream of a great state supportive of a great nation, and I look forward to our next visit.

Sincerely,



Michael J. Dunleavy  
Governor

Message

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**From:** Spraul, Greg [Spraul.Greg@epa.gov]  
**Sent:** 3/4/2019 9:32:20 PM  
**To:** Forsgren, Lee [Forsgren.Lee@epa.gov]  
**CC:** Wildeman, Anna [wildeman.anna@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; Kramer, Jessica L. [kramer.jessical@epa.gov]  
**Subject:** FW: 2019.03.01 Governor Dunleavy to President Trump  
**Attachments:** 4631\_001.pdf

Lee,

More guidance to come. Here is the relevant text for us from a AK Governor letter. Nothing to do right now.

**U.S. Army Corps of Engineers (U.S. Corps)/ Environmental Protection Agency (EPA)**

• **Waters of the U.S. Rule (WOTUS)**-The U.S. Corps and EPA have a long history of misinterpreting the Clean Water Act to give themselves more and more power. The Clean Water Act applies to "*waters* of the United States" -not *wetlands*. Lands are not waters. In 2017, you issued a Presidential Executive Order directing the Corps and EPA to revisit WOTUS regulation, which defines federal jurisdiction under the Clean Water Act.

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• **Clean Water Act 401 permits** -My team is available to assist the EPA in rewriting the handbook on Clean Water Act 401 Water Quality permits. By working together, we could create a federal policy that is of benefit to both the nation and Alaska.

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**From:** Carter, Brittany S.  
**Sent:** Monday, March 04, 2019 2:31 PM  
**To:** Spraul, Greg <Spraul.Greg@epa.gov>  
**Subject:** FW: 2019.03.01 Governor Dunleavy to President Trump

Flagging Governor Dunleavy's letter to POTUS for OW. It's attached.

---

**From:** Pottebaum, Nic D. EOP/WHO  
**Sent:** Saturday, March 2, 2019 10:13 AM

**Subject:** Fwd: 2019.03.01 Governor Dunleavy to President Trump

All -

See attached letter from Governor Dunleavy (AK) to POTUS. Governor Dunleavy saw POTUS in person Thursday in Elmendorf.

There's a lot of different items in the attached letter. We will official task out responses, but wanted to get your eyes on it.

I am setting up a call with the Alaska Team on Monday to talk through this letter and figure out what they've already engaged on.

Again, the letter touches on a range of issues.

Nic

Begin forwarded message:

**From:** "Knudson, Kip C (GOV)" <[kip.knudson@Alaska.gov](mailto:kip.knudson@Alaska.gov)>  
**Date:** March 1, 2019 at 10:23:36 PM EST  
**To:** Nic Pottebaum Ex. 6 Personal Privacy (WH)  
**Subject:** Fwd: 2019.03.01 Governor Dunleavy to President Trump

Thanks again, Nic.

Sent from my iPhone

Begin forwarded message:

**From:** "Hull, Angela (GOV)" <[angela.hull@alaska.gov](mailto:angela.hull@alaska.gov)>  
**Date:** March 1, 2019 at 9:45:56 PM EST  
**To:** "Huber, Brett W (GOV)" <[Brett.Huber@alaska.gov](mailto:Brett.Huber@alaska.gov)>, "Brefczynski, Brandon E (GOV)" <[Brandon.Brefczynski@alaska.gov](mailto:Brandon.Brefczynski@alaska.gov)>, "Knudson, Kip C (GOV)" <[kip.knudson@Alaska.gov](mailto:kip.knudson@Alaska.gov)>  
**Cc:** "Babcock, Tuckerman A (GOV)" <[tuckerman.babcock@alaska.gov](mailto:tuckerman.babcock@alaska.gov)>  
**Subject:** 2019.03.01 Governor Dunleavy to President Trump

FYI – hardcopy in the mail now. Kip, if you have others to e-send it to, please do so ASAP.



Message

**From:** Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]  
**Sent:** 6/8/2018 5:10:50 PM  
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**Subject:** RE: Calvert 028-032

That is fine. I don't think t

Ex. 5 Deliberative Process (DP)  
**Ex. 5 Deliberative Process (DP)**

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**From:** Fontaine, Tim  
**Sent:** Friday, June 8, 2018 12:32 PM  
**To:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Cc:** Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>  
**Subject:** FW: Calvert 028-032

Lee,

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Terry Woods  
Office of Water  
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**Subject:** FW: Calvert 028-032

Terry - -OMB is requesting you seek their concurrence

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**Cc:** Hickey, Mike J. EOP/OMB Ex. 6 Personal Privacy (PP)  
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Andrea Grossman  
Program Examiner, OMB Environment Branch  
202-395-4756

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Andrea- Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP) Please let me know if you need anything else. Thank you!

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Terry Woods  
Office of Water  
Resource Management Staff  
202-564-0326

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**Subject:** FW: Calvert 028-032

Hello Ex. 5 Deliberative Process (DP)

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**Cc:** Hickey, Mike J. EOP/OMB Ex. 6 Personal Privacy (WH) Villanueva, Edna <Villanueva.Edna@epa.gov>  
**Subject:** Calvert 028-032

Glen,

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Thanks,

Andrea Grossman  
Program Examiner, OMB Environment Branch  
202-395-4756

Message

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**From:** Hickey, Jonathan P. EOP/OVP [Ex. 6 Personal Privacy (WH)]  
**Sent:** 9/5/2018 12:56:47 PM  
**To:** Fotouhi, David [Fotouhi.David@epa.gov]  
**CC:** Patricia.Shaffer@epa.gov; Derek.Mills@epa.gov  
**Subject:** Re: [Ex. 5 Deliberative Process (DP)]

Sounds great, David. I'll call you at 3.  
Thanks,  
Jon

Sent from my iPhone

On Sep 5, 2018, at 8:42 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Hi, Jon. I would be glad to discuss. Would a time between 3:00-4:00 pm or after 5:30 pm today work for you?

**David Fotouhi**

Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Hickey, Jonathan P. EOP/OVP [Ex. 6 Personal Privacy (WH)]  
**Sent:** Wednesday, September 5, 2018 8:19 AM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** Hickey, Jonathan P. EOP/OVP [Ex. 6 Personal Privacy (WH)]; Patricia.Shaffer@epa.gov; Derek.Mills@epa.gov  
**Subject:** RE: [Ex. 5 Deliberative Process (DP)]

Hi David,

My name is Jon Hickey and I recently took over the Energy and Environment accounts on the VP's Domestic Policy team. I look forward to working with you!

[Ex. 5 Deliberative Process (DP)]

Thank you very much,  
Jon

Jon Hickey  
Office of the Vice President  
[Ex. 6 Personal Privacy (WH)]

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**From:** Hickey, Jonathan P. EOP/OVP  
**Sent:** Tuesday, September 4, 2018 9:06 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Fotouhi, David <Fotouhi.David@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Subject:** Re: [Ex. 5 Deliberative Process (DP)]

Ryan,

Thank you so much. I look forward to working with Mandy and David and will reach out to them in the morning.

Respectfully,  
Jon

Sent from my iPhone

On Sep 4, 2018, at 7:14 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Sure, happy to help. And it's always simply Ryan.

I would like to direct you to David Fotouhi our deputy general counsel office concerning **Ex. 5 Deliberative Process (DP)** and Mandy Gunasekara our deputy assistant administrator of air and radiation concerning **Ex. 5 Deliberative Process (DP)** I've cc'd them both on this email for your convenience.

For full context, Jon is our point person in the Vice President's office. He's taken over Francis' former role. We provided him information this past week concerning **Ex. 5 Deliberative Process (DP)** so he's getting up to speed on a wide variety of issues we are working on here at EPA. I appreciate your help.

Thanks all,

Ryan.

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**From:** Hickey, Jonathan P. EOP/OVP **Ex. 6 Personal Privacy (WH)**  
**Sent:** Tuesday, September 4, 2018 5:22 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Hickey, Jonathan P. EOP/OVP **Ex. 6 Personal Privacy (WH)**  
**Subject:** **Ex. 5 Deliberative Process (DP)**

Chief of Staff,

Sir, who would be good POCs at EPA **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Thank you!

Respectfully,  
Jon

Jon Hickey  
Office of the Vice President  
**Ex. 6 Personal Privacy (WH)**

Message

**From:** Brown, Byron [brown.byron@epa.gov]  
**Sent:** 6/27/2018 2:14:40 PM  
**To:** Herrgott, Alex H. EOP/CEQ [Ex. 6 Personal Privacy (WH)] Neumayr, Mary B. EOP/CEQ  
[Ex. 6 Personal Privacy (WH)] Colosimo, Robyn S. EOP/WHO [Ex. 6 Personal Privacy (WH)]  
**CC:** Fotouhi, David [Fotouhi.David@epa.gov]  
**Subject:** FW: Administrator Pruitt Issues Memo to Increase Regulatory Certainty in Permitting Process

Also, wanted to make sure you saw this memo about CWA section 404(c).

---

**From:** EPA Press Office [mailto:press=epa.gov@cmail19.com] **On Behalf Of** EPA Press Office  
**Sent:** Wednesday, June 27, 2018 10:04 AM  
**To:** Brown, Byron <brown.byron@epa.gov>  
**Subject:** Administrator Pruitt Issues Memo to Increase Regulatory Certainty in Permitting Process



U.S. ENVIRONMENTAL PROTECTION AGENCY  
**NEWS RELEASE**  
WWW.EPA.GOV/NEWSROOM

---

## Administrator Pruitt Issues Memo to Increase Regulatory Certainty in Permitting Process

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**WASHINGTON** (June 27, 2018) - The U.S. Environmental Protection Agency (EPA) is taking an important step toward updating the regulations governing EPA's role in permitting discharges of dredged or fill materials under section 404 of the Clean Water Act (CWA). In a memorandum to the Office of Water and Regional Administrators, EPA Administrator Scott Pruitt outlined changes that EPA will propose that would increase predictability and regulatory certainty for landowners, investors, businesses, and other stakeholders

**"Today's memo refocuses EPA on its core mission of protecting public health and the environment in a way that is fair and consistent with due process,"** said EPA Administrator Scott Pruitt. **"We must ensure that EPA exercises its authority under the Clean Water Act in a careful, predictable, and prudent manner."**

EPA's current regulations on the implementation of section 404(c) of the CWA allow the Agency to veto - at any time - a permit issued by the U.S. Army Corps of Engineers (USACE) or an approved state that allows for the discharge of dredged or fill material at specified disposal sites. The memo directs EPA's Office of Water to develop a proposed rulemaking that would consider the following changes:

- Eliminating the authority to initiate the section 404(c) process before a section 404 permit application has been filed with the USACE or a state, otherwise known as the “preemptive veto.”
- Eliminating the authority to initiate the section 404(c) process after a permit has been issued by the USACE or a state, otherwise known as the “retroactive veto.”
- Requiring a Regional Administrator to obtain approval from EPA Headquarters before initiating the section 404(c) process.
- Requiring a Regional Administrator to review and consider the findings of an Environmental Assessment or Environmental Impact Statement prepared by the USACE or a state before preparing and publishing notice of a proposed determination.
- Requiring EPA to publish and seek public comment on a final determination before such a determination takes effect.

The robust National Environmental Policy Act explicitly requires federal agencies to consider environmental effects from proposed projects, and include opportunities for public review and comment. Additionally, in the four decades since EPA’s regulations were last revised, the environmental statutory and regulatory landscape has changed dramatically. Given these existing protections and significant changes, updating EPA’s authority under section 404(c) will advance EPA’s core mission of protecting human health and the environment while improving predictability and regulatory certainty.

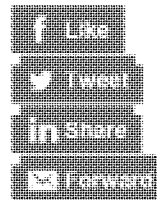
EPA’s proposal, after undergoing interagency review, will be available for public review and comment.

[Read the memorandum.](#)

Visit The EPA's  
Newsroom



U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004



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Message

---

**From:** Hickey, Jonathan P. EOP/OVP; **Ex. 6 Personal Privacy (WH)**  
**Sent:** 9/5/2018 7:35:08 PM  
**To:** Fotouhi, David [Fotouhi.David@epa.gov]  
**CC:** Jackson, Ryan [jackson.ryan@epa.gov]; Hickey, Jonathan P. EOP/OVP; **Ex. 6 Personal Privacy (WH)**  
**Subject:** THANK YOU

David,

Thank you; **Ex. 5 Deliberative Process (DP)**  
**Ex. 5 Deliberative Process (DP)** Thank you very much!

v/r,  
Jon

Jon Hickey  
Office of the Vice President

**Ex. 6 Personal Privacy (WH)**

Message

---

**From:** Willey, Katharine [willey.katharine@epa.gov]  
**Sent:** 7/30/2019 1:47:56 PM  
**To:** Abboud, Michael [abboud.michael@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]  
**CC:** Beach, Christopher [beach.christopher@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]  
**Subject:** RE: Pebble draft release  
**Attachments:** Draft Statement.docx

Already added it in. Press release is waiting for final sign off. See most recent attached draft.

---

**From:** Abboud, Michael  
**Sent:** Tuesday, July 30, 2019 9:44 AM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Cc:** Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>  
**Subject:** RE: Pebble draft release

Will do.

---

**From:** Fotouhi, David  
**Sent:** Monday, July 29, 2019 8:34 PM  
**To:** Abboud, Michael <abboud.michael@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Cc:** Beach, Christopher <beach.christopher@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>  
**Subject:** RE: Pebble draft release

## Ex. 5 Deliberative Process (DP)

Mike, when you share the press release with the WH, please copy Francis **Ex. 6 Personal Privacy (WH)**

Thanks,

David

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Abboud, Michael <abboud.michael@epa.gov>  
**Sent:** Monday, July 29, 2019 5:33 PM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

**Cc:** Beach, Christopher <[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)>; McFaul, Jessica <[mcfaul.jessica@epa.gov](mailto:mcfaul.jessica@epa.gov)>; Schiermeyer, Corry <[schiermeyer.corry@epa.gov](mailto:schiermeyer.corry@epa.gov)>

**Subject:** RE: Pebble draft release

We are going to add in a quote from Matt as well.

---

**From:** Fotouhi, David

**Sent:** Monday, July 29, 2019 5:30 PM

**To:** Drinkard, Andrea <[Drinkard.Andrea@epa.gov](mailto:Drinkard.Andrea@epa.gov)>; Abboud, Michael <[abboud.michael@epa.gov](mailto:abboud.michael@epa.gov)>; Willey, Katharine <[willey.katharine@epa.gov](mailto:willey.katharine@epa.gov)>; Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>

**Cc:** Beach, Christopher <[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)>; McFaul, Jessica <[mcfaul.jessica@epa.gov](mailto:mcfaul.jessica@epa.gov)>; Schiermeyer, Corry <[schiermeyer.corry@epa.gov](mailto:schiermeyer.corry@epa.gov)>

**Subject:** RE: Pebble draft release

DELIBERATIVE

My suggested edits are tracked in the attached.

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Drinkard, Andrea <[Drinkard.Andrea@epa.gov](mailto:Drinkard.Andrea@epa.gov)>

**Sent:** Monday, July 29, 2019 5:02 PM

**To:** Abboud, Michael <[abboud.michael@epa.gov](mailto:abboud.michael@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Willey, Katharine <[willey.katharine@epa.gov](mailto:willey.katharine@epa.gov)>; Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>

**Cc:** Beach, Christopher <[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)>; McFaul, Jessica <[mcfaul.jessica@epa.gov](mailto:mcfaul.jessica@epa.gov)>; Schiermeyer, Corry <[schiermeyer.corry@epa.gov](mailto:schiermeyer.corry@epa.gov)>

**Subject:** RE: Pebble draft release

Lee suggested adding a line like the one in red, so I drafted one for your consideration. Feel free to edit as you see fit.  
Thanks.

---

**From:** Abboud, Michael

**Sent:** Monday, July 29, 2019 4:38 PM

**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Willey, Katharine <[willey.katharine@epa.gov](mailto:willey.katharine@epa.gov)>; Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>

**Cc:** Drinkard, Andrea <[Drinkard.Andrea@epa.gov](mailto:Drinkard.Andrea@epa.gov)>; Beach, Christopher <[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)>; McFaul, Jessica <[mcfaul.jessica@epa.gov](mailto:mcfaul.jessica@epa.gov)>; Schiermeyer, Corry <[schiermeyer.corry@epa.gov](mailto:schiermeyer.corry@epa.gov)>

**Subject:** Pebble draft release

For Region 10 to send, does anyone have any edits?

DRAFT:

# **Ex. 5 Deliberative Process (DP)**

# **Ex. 5 Deliberative Process (DP)**

Message

**From:** Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
**Sent:** 5/15/2019 10:08:36 PM  
**To:** Fotouhi, David [Fotouhi.David@epa.gov]  
**CC:** Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Carter, Brittany S. [carter.brittanys@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

Thank you!!!

-----Original Message-----

**From:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Sent:** Wednesday, May 15, 2019 5:15 PM  
**To:** Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
**Cc:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Carter, Brittany S. <carter.brittanys@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

DELIBERATIVE--PRIVILEGED

Our edits and comments are tracked in the attached version. If you have any questions or concerns about our edits, please let me know.

Best,

David

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

**From:** Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
**Sent:** Wednesday, May 15, 2019 3:40 PM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

# Ex. 5 Deliberative Process (DP)

-----Original Message-----

**From:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Sent:** Wednesday, May 15, 2019 10:44 AM  
**To:** Carter, Brittany S. <carter.brittanys@epa.gov>  
**Cc:** Pottebaum, Nic D. EOP/WHO **Ex. 6 Personal Privacy EOP.gov** Horning, Daniel M. EOP/WHO  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

No problem. I'll be available.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

**From:** Carter, Brittany S.  
**Sent:** Wednesday, May 15, 2019 10:43 AM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** **Ex. 6 Personal Privacy EOP.gov** **Ex. 6 Personal Privacy EOP.gov**

Subject: Re: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Thanks David! Looping in Nic and Dan who can send call in info. It will be closer to 10:50 than 11.

On May 15, 2019, at 10:41 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

A backgrounder is attached.

I'd like to join at 11:00--could you send me the information to dial in?

Matt also asked if there is another time today that he/we could speak with Francis. Matt and I can go over in person if that works best. Thanks.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Fotouhi, David  
Sent: Wednesday, May 15, 2019 10:32 AM  
To: Carter, Brittany S. <carter.brittanys@epa.gov>  
Subject: RE: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Will get you something in the next 10 minutes.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Carter, Brittany S.  
Sent: Wednesday, May 15, 2019 10:09 AM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Subject: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Hi David,

## Ex. 5 Deliberative Process (DP)

I'm going to meet with them about 10:50 am today, if it's possible to send something by then I'd appreciate it.

Apologies, they just called.

Other option is I can call you when we meet if you happen to be available.

Thank you!

Ex. 5 Deliberative Process (DP)

Message

---

**From:** Carter, Brittany S. [carter.brittanys@epa.gov]  
**Sent:** 5/15/2019 7:18:39 PM  
**To:** Fotouhi, David [Fotouhi.David@epa.gov]  
**Subject:** Re: [Ex. 5 Deliberative Process (DP)] Need by 10:50am today

Perfect thank you! Dan Horning is going to touch base with you for approval on EPA's portion of the memo.

On May 15, 2019, at 3:16 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Will give you a call around 5. Thanks!

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

**From:** Carter, Brittany S.  
**Sent:** Wednesday, May 15, 2019 12:38 PM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Subject:** RE: [Ex. 5 Deliberative Process (DP)] Need by 10:50am today

I'm back. Here until 1:15 then will be back around 5pm.

-----Original Message-----

**From:** Fotouhi, David  
**Sent:** Wednesday, May 15, 2019 11:02 AM  
**To:** Carter, Brittany S. <carter.brittanys@epa.gov>  
**Subject:** RE: [Ex. 5 Deliberative Process (DP)] Need by 10:50am today

Thanks. Let's connect when you're back.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

**From:** Carter, Brittany S.  
**Sent:** Wednesday, May 15, 2019 10:58 AM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** [Ex. 6 Personal Privacy (WH)]  
**Subject:** RE: [Ex. 5 Deliberative Process (DP)] Need by 10:50am today

Hey David,

You can disregard waiting by the phone. Just chatted with Nic & Dan- will fill you in. They are going to connect Francis and Matt.

On May 15, 2019, at 10:44 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

No problem. I'll be available.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

**From:** Carter, Brittany S.  
**Sent:** Wednesday, May 15, 2019 10:43 AM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>



Cc: Ex. 6 Personal Privacy (WH)  
Subject: Re: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Thanks David! Looping in Nic and Dan who can send call in info. It will be closer to 10:50 than 11.

On May 15, 2019, at 10:41 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

A backgrounder is attached.

I'd like to join at 11:00--could you send me the information to dial in?

Matt also asked if there is another time today that he/we could speak with Francis. Matt and I can go over in person if that works best. Thanks.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Fotouhi, David  
Sent: Wednesday, May 15, 2019 10:32 AM  
To: Carter, Brittany S. <carter.brittanys@epa.gov>  
Subject: RE: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Will get you something in the next 10 minutes.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Carter, Brittany S.  
Sent: Wednesday, May 15, 2019 10:09 AM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Subject: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Hi David,

## Ex. 5 Deliberative Process (DP)

I'm going to meet with them about 10:50 am today, if it's possible to send something by then I'd appreciate it.

Apologies, they just called.

Other option is I can call you when we meet if you happen to be available.

Thank you!

Ex. 5 Deliberative Process (DP)

Message

---

**From:** Carter, Brittany S. [carter.brittanys@epa.gov]  
**Sent:** 5/15/2019 3:03:28 PM  
**To:** Fotouhi, David [Fotouhi.David@epa.gov]  
**Subject:** Re: [Ex. 5 Deliberative Process (DP)] Need by 10:50am today

Will do! Thank you for the help- apologies for the fire drill.

On May 15, 2019, at 11:01 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

Thanks. Let's connect when you're back.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Carter, Brittany S.  
Sent: Wednesday, May 15, 2019 10:58 AM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Cc: [Ex. 6 Personal Privacy (WH)]  
Subject: Re: [Ex. 5 Deliberative Process (DP)] Need by 10:50am today

Hey David,

You can disregard waiting by the phone. Just chatted with Nic & Dan- will fill you in. They are going to connect Francis and Matt.

On May 15, 2019, at 10:44 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

No problem. I'll be available.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Carter, Brittany S.  
Sent: Wednesday, May 15, 2019 10:43 AM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Cc: [Ex. 6 Personal Privacy (WH)]  
Subject: Re: [Ex. 5 Deliberative Process (DP)] Need by 10:50am today

Thanks David! Looping in Nic and Dan who can send call in info. It will be closer to 10:50 than 11.

On May 15, 2019, at 10:41 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

A backgrounder is attached.

I'd like to join at 11:00--could you send me the information to dial in?

Matt also asked if there is another time today that he/we could speak with Francis. Matt and I can go over in person if that works best. Thanks.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Fotouhi, David  
Sent: Wednesday, May 15, 2019 10:32 AM  
To: Carter, Brittany S. <carter.brittanys@epa.gov>  
Subject: RE: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Will get you something in the next 10 minutes.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Carter, Brittany S.  
Sent: Wednesday, May 15, 2019 10:09 AM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Subject: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Hi David,

## Ex. 5 Deliberative Process (DP)

I' m going to meet with them about 10:50 am today, if it' s possible to send something by then I' d appreciate it.

Apologies, they just called.

Other option is I can call you when we meet if you happen to be available.

Thank you!

Ex. 5 Deliberative Process (DP)

Message

---

**From:** Smith, Gregory L. EOP/WHO [Ex. 6 Personal Privacy (WH)]  
**Sent:** 4/29/2019 9:12:52 PM  
**To:** Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Mutz, John [mutz.john@epa.gov]  
**CC:** Fotouhi, David [Fotouhi.David@epa.gov]; Brooke, Francis J. Jr. EOP/WHO [Ex. 6 Personal Privacy (WH)]  
**Subject:** RE: [Ex. 5 Deliberative Process (DP)]

sure thing - will do.

-----Original Message-----

**From:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Sent:** Monday, April 29, 2019 5:03 PM  
**To:** Mutz, John <mutz.john@epa.gov>; Smith, Gregory L. EOP/WHO [Ex. 6 Personal Privacy (WH)]  
**Cc:** Fotouhi, David <Fotouhi.David@epa.gov>; Brooke, Francis J. Jr. EOP/WHO [Ex. 6 Personal Privacy (WH)]  
**Subject:** Re: [Ex. 5 Deliberative Process (DP)]

Hi Greg, please include Francis Brooke on the invitation. Thanks, Matt

Sent from my iPhone

> On Apr 29, 2019, at 2:12 PM, Mutz, John <mutz.john@epa.gov> wrote:

>

> [Ex. 6 Personal Privacy (WH)]

Message

---

**From:** Mutz, John [mutz.john@epa.gov]  
**Sent:** 4/29/2019 6:12:18 PM  
**To:** Leopold, Matt (OGC) [Leopold.Matt@epa.gov]  
**CC:** Fotouhi, David [Fotouhi.David@epa.gov]  
**Subject:** FW: Ex. 5 Deliberative Process (DP)

FYI Greg Smith will be joined by Lauren Carter, Associate Director for Outreach, at your meeting on Ex. 5 Deliberative Process (DP) at the EEOB this Thursday.

---

**From:** Smith, Gregory L. EOP/WHO <Ex. 6 Personal Privacy (WH)>  
**Sent:** Monday, April 29, 2019 2:08 PM  
**To:** Mutz, John <mutz.john@epa.gov>  
**Cc:** Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Sounds good – I'll also be joined by Lauren Carter. Lauren is an Associate Director for Outreach here in OPA.

---

**From:** Mutz, John <mutz.john@epa.gov>  
**Sent:** Monday, April 29, 2019 1:54 PM  
**To:** Smith, Gregory L. EOP/WHO <Ex. 6 Personal Privacy (WH)>  
**Cc:** Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

David Fotouhi, Matt's Principal Deputy General Counsel, will be joining him. Thanks.

---

**From:** Smith, Gregory L. EOP/WHO <Ex. 6 Personal Privacy (WH)>  
**Sent:** Monday, April 29, 2019 1:15 PM  
**To:** Mutz, John <mutz.john@epa.gov>  
**Cc:** Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

That sounds great. Yes – 197 EEOB. I'll send a WAVES link to you tomorrow for security. Just let me know if anyone will be joining Matt.

---

**From:** Mutz, John <mutz.john@epa.gov>  
**Sent:** Monday, April 29, 2019 1:09 PM  
**To:** Smith, Gregory L. EOP/WHO <Ex. 6 Personal Privacy (WH)>  
**Cc:** Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

This Thursday afternoon at 2:30pm would be perfect. Are you in the EEOB?

---

**From:** Smith, Gregory L. EOP/WHO <Ex. 6 Personal Privacy (WH)>  
**Sent:** Monday, April 29, 2019 1:07 PM  
**To:** Mutz, John <mutz.john@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Hi Fletcher,

Thank you for your help with this. I expect the meeting to be between 30-40 minutes. As of now, I'll be the only person attending. If that changes, I'll let you know. I'm happy to host the meeting here, assuming he is based in DC. This Thursday afternoon looks good for me, as well as the morning of the 3<sup>rd</sup> (between 10-12). I could also do any time between 10-12 on the 6<sup>th</sup>.

Just let me know what works best.

Best,  
Greg

Gregory Smith  
Special Assistant to the President  
Deputy Director of Political Affairs for Policy & Personnel  
The White House

---

**From:** Mutz, John <mutz.john@epa.gov>  
**Sent:** Monday, April 29, 2019 12:55 PM  
**To:** Smith, Gregory L. EOP/WHO <[Ex. 6 Personal Privacy (WH)]>  
**Subject:** RE: [Ex. 5 Deliberative Process (DP)]

Greg,

Hi there. How long should this meeting be? Where will it take place? And also, who should be invited?

Thanks,  
Fletcher

**J. Fletcher Mutz**  
Special Assistant  
U.S. Environmental Protection Agency  
(202) 564-8043

---

**From:** Shimmin, Kaitlyn  
**Sent:** Monday, April 29, 2019 12:45 PM  
**To:** Mutz, John <mutz.john@epa.gov>  
**Cc:** [Ex. 6 Personal Privacy (WH)]  
**Subject:** [Ex. 5 Deliberative Process (DP)]

Hi Fletcher,

Can you please find time for Matt [Ex. 5 Deliberative Process (DP)]

CCed is Greg Smith who can let you know who else needs to be included.

Thanks!

**Kaitlyn Shimmin**  
*White House Liaison*

U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
O: (202) 564-4108  
C: Ex. 6 Personal Privacy (PP)  
Shimmin.Kaitlyn@epa.gov

Sent from my iPhone

**To:** Schwab, Justin[Schwab.Justin@epa.gov]  
**From:** Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]  
**Sent:** Wed 9/5/2018 1:38:05 AM (UTC)  
**Subject:** Fwd: Ex. 5 Deliberative Process (DP)

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Date:** September 4, 2018 at 7:13:55 PM GMT-4  
**To:** "Hickey, Jonathan P. EOP/OVP" <Ex. 6 Personal Privacy (EOP)>  
**Cc:** "Fotouhi, David" <Fotouhi.David@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Sure, happy to help. And it's always simply Ryan.

I would like to direct you to David Fotouhi our deputy general counsel office concerning Ex. 5 Deliberative Process (DP) and Mandy Gunasekara our deputy assistant administrator of air and radiation concerning Ex. 5 Deliberative Process (DP). I've cc'd them both on this email for your convenience.

For full context, Jon is our point person in the Vice President's office. He's taken over Francis' former role. We provided him information this past week concerning Ex. 5 Deliberative Process (DP) so he's getting up to speed on a wide variety of issues we are working on here at EPA. I appreciate your help.

Thanks all,

Ryan.

**From:** Hickey, Jonathan P. EOP/OVP <Ex. 6 Personal Privacy (EOP)>  
**Sent:** Tuesday, September 4, 2018 5:22 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Hickey, Jonathan P. EOP/OVP <Ex. 6 Personal Privacy (EOP)>  
**Subject:** Ex. 5 Deliberative Process (DP)

Chief of Staff,

Sir, who would be good POCs at EPA: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you!

Respectfully,  
Jon

Jon Hickey  
Office of the Vice President  
Ex. 6 Personal Privacy (EOP)



Message

**From:** Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]  
**Sent:** 5/15/2019 9:15:27 PM  
**To:** Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
**CC:** Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Carter, Brittany S. [carter.brittanys@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today  
**Attachments:** **Ex. 5 Deliberative Process (DP)**

DELIBERATIVE--PRIVILEGED

Our edits and comments are tracked in the attached version. If you have any questions or concerns about our edits, please let me know.

Best,

David

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

**From:** Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
**Sent:** Wednesday, May 15, 2019 3:40 PM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

# Ex. 5 Deliberative Process (DP)

-----Original Message-----

**From:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Sent:** Wednesday, May 15, 2019 10:44 AM  
**To:** Carter, Brittany S. <carter.brittanys@epa.gov>  
**Cc:** Pottebaum, Nic D. EOP/WHO **Ex. 6 Personal Privacy (PP)** Horning, Daniel M. EOP/WHO  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

No problem. I'll be available.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

**From:** Carter, Brittany S.  
**Sent:** Wednesday, May 15, 2019 10:43 AM  
**To:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Cc:** **Ex. 6 Personal Privacy (PP)**  
**Subject:** Re: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

Thanks David! Looping in Nic and Dan who can send call in info. It will be closer to 10:50 than 11.

On May 15, 2019, at 10:41 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

A backgrounder is attached.

I'd like to join at 11:00--could you send me the information to dial in?

Matt also asked if there is another time today that he/we could speak with Francis. Matt and I can go over in person if that works best. Thanks.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Fotouhi, David  
Sent: Wednesday, May 15, 2019 10:32 AM  
To: Carter, Brittany S. <carter.brittanys@epa.gov>  
Subject: RE: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Will get you something in the next 10 minutes.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Carter, Brittany S.  
Sent: Wednesday, May 15, 2019 10:09 AM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Subject: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Hi David,

## Ex. 5 Deliberative Process (DP)

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Apologies, they just called.

Other option is I can call you when we meet if you happen to be available.

Thank you!

Ex. 5 Deliberative Process (DP)

Message

**From:** Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]  
**Sent:** 5/15/2019 8:09:38 PM  
**To:** Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

Thanks; will get you comments shortly.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
Sent: Wednesday, May 15, 2019 3:40 PM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Subject: RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

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From: Fotouhi, David <Fotouhi.David@epa.gov>  
Sent: Wednesday, May 15, 2019 10:44 AM  
To: Carter, Brittany S. <carter.brittany@epa.gov>  
Cc: Pottebaum, Nic D. EOP/WHO **Ex. 6 Personal Privacy (PP)** Horning, Daniel M. EOP/WHO  
**Ex. 6 Personal Privacy (PP)**  
Subject: RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

No problem. I'll be available.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

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David Fotouhi

Principal Deputy General Counsel

Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

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From: Fotouhi, David  
Sent: Wednesday, May 15, 2019 10:32 AM  
To: Carter, Brittany S. <carter.brittany@epa.gov>  
Subject: RE: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Will get you something in the next 10 minutes.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

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From: Carter, Brittany S.  
Sent: Wednesday, May 15, 2019 10:09 AM  
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Subject: Ex. 5 Deliberative Process (DP) Need by 10:50am today

Hi David,

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Apologies, they just called.

Other option is I can call you when we meet if you happen to be available.

Thank you!

Ex. 5 Deliberative Process (DP)

Message

**From:** Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]  
**Sent:** 5/15/2019 7:21:45 PM  
**To:** Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

Yes, I will give you a call around 3:30.

David Fotouhi

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

-----Original Message-----

From: Horning, Daniel M. EOP/WHO **Ex. 6 Personal Privacy (PP)**  
Sent: Wednesday, May 15, 2019 3:20 PM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Subject: RE: **Ex. 5 Deliberative Process (DP)** Need by 10:50am today

David, can you give me a quick call? **Ex. 6 Personal Privacy (PP)**

Best,  
Dan

-----Original Message-----

From: Carter, Brittany S. <carter.brittanys@epa.gov>  
Sent: Wednesday, May 15, 2019 10:43 AM  
To: Fotouhi, David <Fotouhi.David@epa.gov>  
Cc: Pottebaum, Nic D. EOP/WHO **Ex. 6 Personal Privacy (PP)** Horning, Daniel M. EOP/WHO  
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Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
fotouhi.david@epa.gov

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Thank you!

Ex. 5 Deliberative Process (DP)

**To:** Bowman, Liz[Bowman.Liz@epa.gov]  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Rateike, Bradley A. EOP/WHO  
**From:** Schlapp, Mercedes V. EOP/WHO  
**Sent:** Sat 1/27/2018 12:39:16 AM (UTC)  
**Subject:** Re: Talking Points re: EPA Announcement TONIGHT on Bristol Bay/Pebble Mine

Thank you

Sent from my iPhone

On Jan 26, 2018, at 6:28 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Mercy – I want to make sure you have the following press release that EPA just put out that will likely draw questions/attention. This is a really confusing issue, so if you have questions, please call me at

**Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

## EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

**WASHINGTON** (January 26, 2018) - Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is following through on his promise to restore the rule of law and process to the previous Administration’s action to restrict mining in Bristol Bay, Alaska. As a result of Administrator Pruitt’s actions last summer, proponents of mining in the region were allowed to apply for a permit with the U.S. Army Corps of Engineers. Today, after hearing directly from stakeholders and the people of Alaska, EPA is suspending its process to withdraw those proposed restrictions, leaving them in place while the Agency receives more information on the potential mine’s impact on the region’s world-class fisheries and natural resources.

“We have restored process, reviewed comments, and heard from a variety of stakeholders on whether to withdraw the proposed restrictions in the Bristol Bay watershed,” Administrator Scott Pruitt said. “Based on that review, it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there. Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection. Today’s action allows EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources.”

This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable.

EPA intends to solicit additional public comment on the impact of the mining application on the existing proposed determination to better inform that analysis.

### **Background**

In 2014, the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine's application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.

In May of 2017, Administrator Pruitt took the first step to rescind this due process denial and allow the Pebble mine proponents to proceed and progress through the process. EPA received over one million comments from interested stakeholders. Administrator Pruitt's action allowed the litigation to be resolved and the proponent's application was allowed to finally move forward. That application is proceeding through the Army Corps's permitting process.

Today's action is important for several reasons. First, EPA has serious concerns about the impacts of mining activity in the Bristol Bay Watershed. From public comments to community meetings, stakeholders stressed the importance of balancing a singular mine venture with the risk to one of the world's largest commercial fisheries. Second, for EPA not to express an environmental position at this stage would be disingenuous.

This action demonstrates the Agency's commitment to both the rule of law and process, and upholding the EPA's core mission of environmental stewardship.

---

><http://usenvironmentalprotectionagency.cmail20.com/t/d-i-ozdjiy-l-r/><  
<image001.png>



U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

[Unsubscribe](#)



**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** McGinley, William J. EOP/WHO Ex. 6 Personal Privacy (EOP)  
**Sent:** Fri 1/26/2018 11:43:11 PM (UTC)  
**Subject:** RE: Talking Points re: EPA Announcement TONIGHT on Bristol Bay/Pebble Mine

Thanks for the update.

William J. McGinley  
Cabinet Secretary  
The White House

Ex. 6 Personal Privacy (EOP)

**From:** Jackson, Ryan [mailto:jackson.ryan@epa.gov]  
**Sent:** Friday, January 26, 2018 6:37 PM  
**To:** McGinley, William J. EOP/WHO Ex. 6 Personal Privacy (EOP)  
**Subject:** FW: Talking Points re: EPA Announcement TONIGHT on Bristol Bay/Pebble Mine

Bill, I just wanted you to be aware as well about a decision which EPA made on a Clean Water Act permit for the Pebble Mine in Alaska. I'm happy to provide additional information should you hear about in any WH conversations. It's easily misconstrued. We have contacted WH comms to ensure they are informed. We've also contacted John Moran, and I spoke Mike Catanzaro simply to ensure all were informed.

**From:** Bowman, Liz  
**Sent:** Friday, January 26, 2018 6:29 PM  
**To:** Schlapp, Mercedes V. EOP/WHO <Mercedes.V.Schlapp@who.eop.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Rateike, Bradley A. EOP/WHO < Ex. 6 Personal Privacy (EOP)  
**Subject:** Talking Points re: EPA Announcement TONIGHT on Bristol Bay/Pebble Mine

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Ex. 5 Deliberative Process (DP)

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---

<http://usenvironmentalprotectionagency.email20.com/t/d-i-ozdjiy-l-r/%3c>



U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

[Unsubscribe](#)

**To:** Schlapp, Mercedes V. EOP/WHO Ex. 6 Personal Privacy (PP)  
**Cc:** Jackson, Ryan[jackson.ryan@epa.gov]; Rateike, Bradley A. EOP/WHO Ex. 6 Personal Privacy (PP)  
**From:** Bowman, Liz[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C3D4D94D3E4B4B1F80904056703EBC80-BOWMAN, ELI]  
**Sent:** Fri 1/26/2018 11:28:47 PM (UTC)  
**Subject:** Talking Points re: EPA Announcement TONIGHT on Bristol Bay/Pebble Mine

Mercy – I want to make sure you have the following press release that EPA just put out that will likely draw questions/attention. This is a really confusing issue, so if you have questions, please call me at:

Ex. 6 Personal Privacy (PP)

Ex. 5 Deliberative Process (DP)

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## EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

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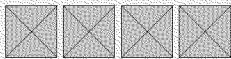
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<http://usenvironmentalprotectionagency.cmail20.com/t/d-i-ozdjiy-l-r/>

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Newsroom



U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue Northwest  
Washington, D.C. 20004

[Unsubscribe](#)

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**From:** Jackson, Ryan/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** Fri 1/26/2018 11:36:35 PM (UTC)  
**Subject:** FW: Talking Points re: EPA Announcement TONIGHT on Bristol Bay/Pebble Mine

Bill, I just wanted you to be aware as well about a decision which EPA made on a Clean Water Act permit for the Pebble Mine in Alaska. I'm happy to provide additional information should you hear about in any WH conversations. It's easily misconstrued. We have contacted WH comms to ensure they are informed. We've also contacted John Moran, and I spoke Mike Catanzaro simply to ensure all were informed.

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**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Rateike, Bradley A. EOP/WHO Ex. 6 Personal Privacy (EOP)  
**Subject:** Talking Points re: EPA Announcement TONIGHT on Bristol Bay/Pebble Mine

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Ex. 5 Deliberative Process (DP)

EPA Administrator Scott Pruitt Suspends Withdrawal of  
Proposed Determination in Bristol Bay Watershed, Will Solicit  
Additional Comments

**WASHINGTON** (January 26, 2018) - Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is following through on his promise to restore the rule of law and process to the previous Administration's action to restrict mining in Bristol Bay, Alaska. As a result of Administrator Pruitt's actions last summer, proponents of mining in the region were allowed to apply for a permit with the U.S. Army Corps of Engineers. Today, after hearing directly from stakeholders and the people of Alaska, EPA is suspending its process to withdraw those proposed restrictions, leaving them in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. "We have restored process, reviewed comments, and heard from a variety of stakeholders on whether to withdraw the proposed restrictions in the Bristol Bay watershed," Administrator Scott Pruitt said. "Based on that review, it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there. Until



we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection. Today's action allows EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources." This decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. However, their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable. EPA intends to solicit additional public comment on the impact of the mining application on the existing proposed determination to better inform that analysis.

### **Background**

In 2014, the Obama Administration issued what was widely considered a preemptive veto of the Pebble Limited Partnership mining project. This effectively brought the mine's application process and, more importantly, due process to a halt. Litigation resulted and continued into this Administration.

In May of 2017, Administrator Pruitt took the first step to rescind this due process denial and allow the Pebble mine proponents to proceed and progress through the process. EPA received over one million comments from interested stakeholders. Administrator Pruitt's action allowed the litigation to be resolved and the proponent's application was allowed to finally move forward. That application is proceeding through the Army Corps's permitting process.

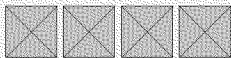
Today's action is important for several reasons. First, EPA has serious concerns about the impacts of mining activity in the Bristol Bay Watershed. From public comments to community meetings, stakeholders stressed the importance of balancing a singular mine venture with the risk to one of the world's largest commercial fisheries. Second, for EPA not to express an environmental position at this stage would be disingenuous.

This action demonstrates the Agency's commitment to both the rule of law and process, and upholding the EPA's core mission of environmental stewardship.

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**To:** Catanzaro, Michael J. EOP/WHC Ex. 6 Personal Privacy (EOP)  
**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** Fri 1/26/2018 11:33:30 PM (UTC)  
**Subject:** FW: EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

**From:** EPA Press Office [mailto:press=epa.gov@cmail20.com] **On Behalf Of** EPA Press Office  
**Sent:** Friday, January 26, 2018 6:30 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

## EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments

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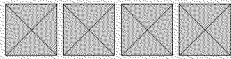


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To: **Ex. 6 Personal Privacy (PP)**  
**Ex. 6 Personal Privacy (PP)**  
Cc: Tomiak, Robert[tomiak.robert@epa.gov]  
Sent: Mon 7/8/2019 2:28:28 PM (UTC)  
Subject: EPA's Pebble Mine DEIS and PN Comment Letters  
07012019 EPA Comments Public Notice POA-2017-00271.pdf  
Pebble Mine DEIS Comment Letter 7\_1.pdf

.....  
Megan Barnhart  
U.S. Environmental Protection Agency  
Office of Federal Activities, NEPA Compliance Division  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Phone: 202-564-5936

**To:** Barnhart, Megan[barnhart.megan@epa.gov]; Drummond, Michael R. EOP/CEQ **Ex. 6 Personal Privacy (PP)**  
**Cc:** Tomiak, Robert[tomiak.robert@epa.gov]  
**From:** Boling, Ted A. EOP/CEQ **Ex. 6 Personal Privacy (PP)**  
**Sent:** Mon 7/8/2019 2:38:53 PM (UTC)  
**Subject:** RE: EPA's Pebble Mine 404 PN and DEIS Comment Letters

Thank you, Megan!

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**From:** Barnhart, Megan <barnhart.megan@epa.gov>  
**Sent:** Monday, July 8, 2019 10:30 AM  
**To:** Boling, Ted A. EOP/CEQ **Ex. 6 Personal Privacy (PP)** Drummond, Michael R. EOP/CEQ  
**Ex. 6 Personal Privacy (PP)**  
**Cc:** Tomiak, Robert <tomiak.robert@epa.gov>  
**Subject:** EPA's Pebble Mine 404 PN and DEIS Comment Letters

.....  
Megan Barnhart  
U.S. Environmental Protection Agency  
Office of Federal Activities, NEPA Compliance Division  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Phone: 202-564-5936

**To:** Ex. 6 Personal Privacy (PP)  
Ex. 6 Personal Privacy (PP)

**Cc:** Tomiak, Robert[tomiak.robert@epa.gov]  
**From:** Barnhart, Megan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3D4E164633942E9B7BCC6EEF4DCAFD1-BARNHART, M]  
**Sent:** Mon 7/8/2019 2:30:22 PM (UTC)  
**Subject:** EPA's Pebble Mine 404 PN and DEIS Comment Letters  
07012019 EPA Comments Public Notice POA-2017-00271.pdf  
Pebble Mine DEIS Comment Letter 7\_1.pdf

.....  
Megan Barnhart  
U.S. Environmental Protection Agency  
Office of Federal Activities, NEPA Compliance Division  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Phone: 202-564-5936

**To:** Tomiak, Robert[tomiak.robert@epa.gov]; Boling, Ted A. EOP/CEQ [Ex. 6 Personal Privacy (EOP)]  
**From:** Schaedle, Candi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FEBC2931E9244C69317D7DEDA5AAD80-CSCHAE02]  
**Sent:** Thur 6/27/2019 2:01:57 PM (UTC)  
**Subject:** RE: [EXTERNAL] June 26 -- E&E News PM is ready

No, I don't think it will affect the EIS comment letter. The memorandum that was released yesterday starts the 404 process.

**From:** Tomiak, Robert  
**Sent:** Thursday, June 27, 2019 7:01 AM  
**To:** Boling, Ted A. EOP/CEQ [Ex. 6 Personal Privacy (EOP)]  
**Cc:** Schaedle, Candi <Schaedle.Candi@epa.gov>  
**Subject:** Re: [EXTERNAL] June 26 -- E&E News PM is ready

Don't think so.


Candi: any insight?

Thanks, Rob  
On Jun 26, 2019, at 6:07 PM, Boling, Ted A. EOP/CEQ [Ex. 6 Personal Privacy (EOP)] wrote:

See the lead article. Will this affect 309 comments?


**From:** E&E News <ealerts@eenews.net>  
**Sent:** Wednesday, June 26, 2019 4:39 PM  
**To:** Boling, Ted A. EOP/CEQ [Ex. 6 Personal Privacy (EOP)]  
**Subject:** [EXTERNAL] June 26 -- E&E News PM is ready

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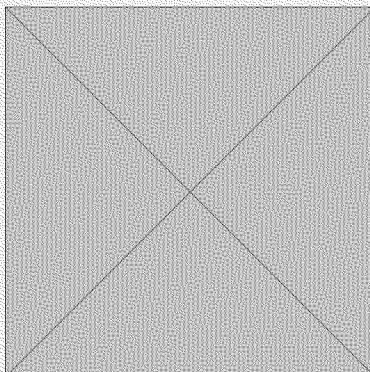
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**To:** Tomiak, Robert[tomiak.robert@epa.gov]  
**From:** Boling, Ted A. EOP/CEQ; **Ex. 6 Personal Privacy (EOP)**  
**Sent:** Thur 6/20/2019 8:53:29 PM (UTC)  
**Subject:** Pebble

Can you call me on **Ex. 6 Personal Privacy (EOP)**

Edward A. Boling  
Associate Director for the  
National Environmental Policy Act  
Council on Environmental Quality  
730 Jackson Place  
Washington, DC 20503